

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED

August 17 2010

DA 10-0029

FILED

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

PEGGY L. STEVENS,

AUG 17 2010

Plaintiff, Cross-Appellant and
Appellee,

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

v.

ORDER

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant and Appellant.

IT IS ORDERED that pursuant to the Internal Operating Rules of this Court, this cause is classified for oral argument before the Court sitting en banc and is hereby set for argument on September 23, 2010 at 9:30 a.m. in the Courtroom of the Montana Supreme Court, Justice Building, Helena, Montana.

IT IS FURTHER ORDERED that counsel are directed to focus their arguments on the following issues: Did the District Court properly instruct the jury that a pharmaceutical company's duty to warn extends not only to the prescribing physician but also to other treating healthcare providers? Is Stevens's claim against Novartis barred by the statute of limitations or was the statute of limitations tolled during the pendency of a class action against Novartis in Tennessee federal district court?

The Clerk is directed to mail copies of this order to all counsel of record and to the Hon. Ted O. Lympus, District Judge.

DATED this 17th day of August, 2010.

For the Court,

By: *W. William Byrnes*
Justice